

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:12-CR-13-D
No. 4:14-CV-9-D

TERRY LEE BUCK,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

ORDER

On May 1, 2014, this court dismissed Terry Lee Buck's ("Buck") motion to vacate, set aside, or correct his 108-month sentence. See [D.E. 126]; 28 U.S.C. § 2255. On July 29, 2014, the United States Court of Appeals for the Fourth Circuit denied Buck's motion for a certificate of appealability and dismissed his appeal. See United States v. Buck, 580 F. App'x 162 (4th Cir. 2014) (per curiam) (unpublished).

On July 31, 2015, Buck filed a motion asking for relief from his sentence due to his health and due to his belief that he was misled concerning whether he would receive a three-level reduction in his offense level for acceptance of responsibility. See [D.E. 134]. Before filing a second or successive application for habeas relief in the district court, Buck must receive authorization from the Fourth Circuit. See 28 U.S.C. § 2255(h); Magwood v. Patterson, 561 U.S. 320, 330–31 (2010). This court lacks jurisdiction to review Buck's current motion unless the Fourth Circuit authorizes such review. See 28 U.S.C. § 2255(h); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); United States v. MacDonald, 641 F.3d 596, 603–04, 615 (4th Cir. 2011); In re Williams, 364 F.3d 235, 238 (4th Cir. 2004); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003).

Buck failed to obtain authorization from the Fourth Circuit. Thus, the court dismisses his petition as successive.

In sum, the court DISMISSES Buck's motion [D.E. 134] as successive. Buck must obtain authorization from the Fourth Circuit in order for this court to have jurisdiction to consider his motion. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This 24 day of August 2015.



JAMES C. DEVER III
Chief United States District Judge